

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

TAMEKA ALEXANDER

V.

THE TJX COMPANIES, INC.

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CIVIL ACTION NO. 5:23-cv-01028
JURY DEMANDED

DEFENDANT MARMAXX OPERATING CORP.'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, Marmaxx Operating Corp. incorrectly named as The TJX Companies, Inc., files its notice of removal of this civil action to the United States District Court for the Western District of Texas, San Antonio Division. In support of this Notice of Removal, Defendant respectfully shows as follows:

1. On May 22, 2023, Plaintiff filed her Original Petition in Cause No. 2023CI10159; *Tameka Alexander v. The TJX Companies, Inc.*, in the 45th Judicial District Court of Bexar County, Texas. Plaintiff's return of service indicates that citation was served on the incorrectly named Defendant, The TJX Companies, Inc. by serving The Corporation Trust Company on July 21, 2023. *See* Exhibit A, an index of documents filed in the state court proceeding. This Notice of Removal is filed within the 30 day period after Defendant's receipt of the Plaintiff's Petition, and therefore, Defendant's notice of removal is timely under 28 U.S.C. § 1446(b).

2. On August 17, 2023, Plaintiff filed her Amended Petition in order to correct the incorrectly named Defendant, The TJX Companies, to the correct Defendant, Marmaxx Operating Corp. *See* Exhibit B (certified copy to be supplemented).

3. True and correct copies of all documents filed in the state court proceeding are attached hereto and incorporated herein by reference. *See* Exhibit A and Exhibit B (certified copy to follow). Attached as Exhibit C is a list of all counsel of record.

4. Defendant would show that this case is removable under 28 U.S.C. § 1441, and the Court has jurisdiction over this matter, because this suit involves a controversy between citizens of different states and the amount in controversy, exclusive of interests and costs, exceeds \$75,000.00. *See* 28 U.S.C. §§ 1332 and 1441.

5. There is complete diversity between the parties. At the time of the filing of this action, and at the time of removal, Plaintiff was and is a citizen of the State of Texas. Defendant Marmaxx Operating Corp., the entity that owns and operates the store where the incident occurred, was and is a corporation incorporated under the laws of the State of Delaware, with its principal place of business at 770 Cochituate Rd., Framingham, MA 01701.

6. The matter or amount in controversy in this suit exceeds the sum of \$75,000.00, exclusive of interest and costs. In her Original and First Amended Petitions, Plaintiff seeks monetary relief of “\$250,000 but not more than \$1,000,000.” *See* Section III in Plaintiff’s Original Petition and First Amended Petition, attached as part of Exhibit A and B.

7. In her live Petition, Plaintiff claims she suffered serious bodily injuries as a result of Defendant’s alleged negligence. *See* Section IV and IX in Plaintiff’s First Amended Petition, attached as part of Exhibit B. Plaintiff further alleges damages including: medical and healthcare expenses in the past and future; physical pain in the past and future; physical impairment, in the past and future; lost earnings, in the past and future; disfigurement in the past and future; *See* Section IX of Plaintiff’s First Amended Petition, attached as Exhibit B.

8. This Notice of Removal will be provided to Plaintiff by service of a copy upon her counsel of record, in accordance with 28 U.S.C. §1446(d). Further, a copy of this Notice of Removal will be filed with the District Clerk of Bexar County, in accordance with 28 U.S.C. §1446(d).

9. Therefore, Defendant Marmaxx Operating Corp. prays that this cause be removed from the 45th Judicial District Court of Bexar County, Texas, to this Court, and for all other relief to which Defendant may be entitled.

Respectfully submitted,

HARTLINE BARGER LLP

/s/ Jane Haas

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**ATTORNEY FOR DEFENDANT,
MARMAXX OPERATING CORP.**

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2023, a copy of the foregoing was served on all parties and/or counsel of record by electronic service.

/s/ Jane Haas

Jane Haas